

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LAMIS ALKHARSA,

No. 08 CIV 4254 (JGK)

Plaintiff,

REPLY TO CROSS-CLAIM

- against -

NEW HANG DAR CONSTRUCTION, INC., JIMMY HO,
BRIAN ILL DEVELOPMENT, LLC, BRIAN ILL,
MADALEX, LLC, SCOTT EDELSTEIN, ALEX TEREZ,
EMPIRE MANAGEMENT AMERICA CORP. A/K/A
EMPIRE MANAGEMENT and FRED SHALOM,

Defendant(s).
-----X

Defendants, EMPIRE MANAGEMENT AMERICA CORP., s/h/a EMPIRE
MANAGEMENT AMERICA CORP., a/k/a EMPIRE MANAGEMENT and FRED SHALOM,
by their attorneys, Havkins Rosenfeld Ritzert & Varriale, LLP, as and for their Reply to the
Cross-Claim of defendants, MADALEX, LLC, SCOTT EDELSTEIN and ALEX PEREZ s/h/a
ALEX TEREZ dated July 2, 2008, allege, upon information and belief, as follows:

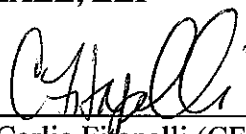
1. Deny knowledge or information sufficient to form a belief as to the allegations
contained within the cross-claim of defendants, MADALEX, LLC, SCOTT EDELSTEIN and
ALEX PEREZ s/h/a ALEX TEREZ, and refer all questions of law to the Court for a
determination, except deny each and every allegation contained within the cross-claim as it
pertains to the answering defendants.

WHEREFORE, defendants EMPIRE MANAGEMENT AMERICA CORP., s/h/a
EMPIRE MANAGEMENT AMERICA CORP. d/b/a EMPIRE MANAGEMENT and FRED
SHALOM, demand judgment dismissing the cross-claim of defendants, MADALEX, LLC,

SCOTT EDELSTEIN and ALEX PEREZ s/h/a ALEX TEREZ, together with such other and further relief as the Court deems just and proper.

Dated: Mineola, New York
July 7, 2008

**HAVKINS ROSENFELD RITZERT
& VARRIALE, LLP**

By: 
Carlie Filapelli (CF 5116)

Attorneys for Defendants

*EMPIRE MANAGEMENT AMERICA CORP.
A/K/A EMPIRE MANAGEMENT, and
FRED SHALOM*

114 Old Country Road, Suite 300

Mineola, New York 11501

(516) 620-1700

(516) 746-0833 (Fax)

File No.: 03109-0149

To:

ROBERT G. LEINO, ESQ.

Attorneys for Plaintiff

354 East 91st Street, Apt. 1101

New York, New York 10128

JAMES M. SKELLY

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

Attorneys for Defendants

NEW HANG DAR CONSTRUCTION, INC.

AND JIMMY HO

530 Saw Mill River Road

Elmsford, New York 10523

File No.: 495.81794

(914) 345-3701

DAVID BARRETT, ESQ.

Attorney for Defendants

BRIAN ILL and

BRIAN ILL DEVELOPMENT, LLC

600 Madison Avenue, 22nd Floor

New York, New York 10022

(212) 588-1000

MADALEX, LLC

Not Yet Answered

150 Broad Hollow Road, Suite 355

Melville, New York 11747

SCOTT EDELSTEIN

Not Yet Answered

10 Old Jackson Avenue

Hastings-on-Hudson, New York 10706

ALEX TEREZ

Not Yet Answered

150 Broad Hollow Road, Suite 355

Melville, New York 11747

CERTIFICATE OF SERVICE

I, **Carlie Fitapelli**, hereby certify that on July 7, 2008, the foregoing document, **REPLY TO CROSS-CLAIM**, was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service upon the following parties and participants:

ROBERT G. LEINO, ESQ.
354 East 91st Street, Apt. 1101
New York, New York 10128


JAMES M. SKELLY
MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.
530 Saw Mill River Road
Elmsford, New York 10523
File No.: 495.81794

DAVID BARRETT, ESQ.
Attorney for Defendants
BRIAN ILL and
BRIAN ILL DEVELOPMENT, LLC
600 Madison Avenue, 22nd Floor
New York, New York 10022
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150 Broad Hollow Road, Suite 355
Melville, New York 11747


CARLIE FITAPELLI, ESQ. (CF5116)
HAVKINS ROSENFELD RITZERT
& VARRIALE, LLP
Attorneys for Defendant
EMPIRE MANAGEMENT AMERICA CORP.
d/b/a EMPIRE MANAGMENT
114 Old Country Road, Suite 300
Mineola, New York 11501
(516) 620-1700
File No.: 3109-149

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

HELEN SOMERSET, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in Stewart Manor, New York.

On the 10th day of July, 2008, I served a true copy of the within **REPLY TO CROSS-CLAIM** by mailing the same in a sealed envelope, with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York, addressed to the last known address of the addressees as indicated below:

To:

ROBERT G. LEINO, ESQ.
354 East 91st Street, Apt. 1101
New York, New York 10128

JAMES M. SKELLY
MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.
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Elmsford, New York 10523
FILE NO.: 495.81794

DAVID BARRETT, ESQ.
Attorney for Defendants
BRIAN ILL and
BRIAN ILL DEVELOPMENT, LLC
600 Madison Avenue, 22nd Floor
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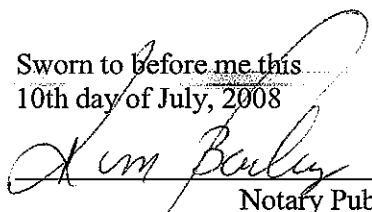
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ALEX TEREZ
Not Yet Answered
150 Broad Hollow Road, Suite 355
Melville, New York 11747


HELEN SOMERSET

Sworn to before me this
10th day of July, 2008


Notary Public

KIM BAILEY
Notary Public, State of New York
No. 01BA6093720
Qualified in Nassau County
Commission Expires 06/05/2011